



CRS Report for Congress

The Kurds in Post-Saddam Iraq

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Summary

The Kurdish-inhabited regions of northern Iraq are relatively peaceful, development is proceeding there, and long-repressed Kurdish leaders now occupy senior positions, including the presidency. However, there are concerns that the Kurds are using their political strength to serve their own interests at the expense of a unified Iraq, in the process inflaming longstanding Turkish concerns about Iraqi Kurdish autonomy. This report will be updated. See also, CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

Pre-War Background

The Kurds, a mountain-dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East. Although their origins are believed to go back more than two millennia, they have never obtained statehood. An initial peace settlement after World War I held out hopes of Kurdish independence, but under a subsequent treaty they were given minority status in their respective countries — Turkey, Iran, Iraq, and Syria — with smaller enclaves elsewhere in the region. (See dark gray area of map). Kurds now number between 20 and 25 million, with an estimated 4 to 4.5 million in Iraq, roughly 15 to 20 percent of the Iraqi population. With a few exceptions, Kurds are Muslims of the Sunni sect and speak a language (consisting of several dialects) akin to Persian.

To varying degrees, Kurds have been objects of discrimination and persecution in the countries where they reside. Some Kurds would settle for meaningful autonomy in their countries of residence, while others aspire to an independent state. In strictly legal terms, Kurds have enjoyed more national rights in Iraq than in any other host country. Successive Iraqi governments authorized limited use of the Kurdish language in elementary education (1931), recognized a %22Kurdish nationality%22 theoretically co-equal with %22Arab nationality%22 (1958), and implemented a limited program of autonomy for the Kurdish areas (1974). However, in practice, only those Kurds willing to accept direction from Baghdad were allowed to take part in the autonomous administration. For the three decades that preceded the U.S.-led expulsion of Iraqi forces from Kuwait in 1991, an intermittent insurgency by Iraqi Kurdish militia (“*peshmerga*”)

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was met with increasingly harsh suppression, particularly by the Ba' thist government of Saddam Hussein.

For some years, Kurdish dissidence in Iraq was led by the Barzani tribe, based northeast of Mosul. Their storied chieftain, the late Mulla Mustafa Barzani, founded the Kurdish Democratic Party during a period of exile after World War II. He returned to Iraq in 1958, and soon became the focal point for the Kurdish rebellions against Baghdad. After some vacillation, he rejected the Iraqi government's declaration of Kurdish autonomy in 1974,¹ and launched a new revolt, which collapsed in 1975 when neighboring Iran withdrew its support for the Kurdish militia. Barzani, granted asylum in the United States, died in 1979, and leadership of his party ultimately passed to his son Masoud Barzani. In the meantime, some years earlier, a younger, more urban and left-leaning group under Jalal Talabani emerged, and it broke with Barzani in 1964. In 1975, Talabani founded a rival group, the Patriotic Union of Kurdistan (PUK). Since then, the KDP and the PUK have been the leading — although not the only — voices of the Iraqi Kurdish movement. Differences between the KDP and PUK center more on leadership than ideology. The KDP, generally more tribal and traditional, is strongest in the mountainous northern Kurdish areas. The PUK predominates in southern Kurdish areas. The two have differed over the degree to which they should accommodate the central government and over their relationships with Iran, sometimes swapping positions, but their biggest differences were over power and revenue sharing (see below).

Regional developments have further complicated the status of the Kurds in Iraq. During the first few years of the 1980-1988 Iraq-Iran war, the Iraqi government adopted a more conciliatory approach toward the Kurds to minimize domestic problems that would complicate the war effort. In 1984, Talabani's PUK agreed to cooperate with Baghdad, but Barzani and the KDP remained in opposition. During 1987-1989, the height of the Iran-Iraq war and its immediate aftermath, Iraq tried to set up a "cordon sanitaire" along the border with Iran, and it arbitrarily imprisoned, tortured, and forced resettlement of Kurds outside their area in a so-called "Anfal (Spoils) campaign," which some human rights organizations say killed as many as 100,000 Kurds. (Human Rights Watch report, [<http://hrw.org/reports/1993/iraqanfal/ANFALINT.htm>].) Iraqi forces launched at least two lethal gas attacks against Kurdish targets in 1988, including the town of Halabja (March 16, 1988, about 5,000 killed). Iraqis denied the reports or justified these actions as responses to Kurdish support for Iranian forces.

Three years later, the allied campaign against Iraq following its invasion of Kuwait gave the Kurds an opportunity to launch another insurrection, which Iraqi forces succeeded in suppressing. However, U.S. and allied forces in mid-1991 instituted a no-fly zone over the northern Kurdish areas, enabling the Kurds to establish a de facto autonomy. In 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S.-sponsored opposition group, and subsequently allowed the INC to establish a presence in Iraqi Kurdish territory. The Kurds supported several abortive coup attempts by the INC and other opposition groups against Saddam Hussein in the 1990s.

¹ The government's so-called Law of Self-Rule (No. 33 of 1974) provided for limited governing institutions in some Kurdish regions but failed to garner widespread Kurdish support.

Freed temporarily from central governmental control, the Kurds of Iraq set up a rudimentary administration in their enclave and held elections for a 105-member provisional parliament in 1992. The two principal Kurdish factions, the KDP and the PUK, each gained 50 seats, with the other five allocated to small Christian groups. No candidate received a clear majority in the concurrent presidential election, and Kurdish leaders subsequently agreed to rule jointly. On October 2, 1992, the Iraqi Kurdish parliament called for “the creation of a Federated State of Kurdistan in the liberated part of the country,” although it added that “this federated state does not question the territorial integrity of Iraq. ...”² Iraqi leaders, however, feared that Kurdish demands for a federal system masked a quest for full independence, and adjacent states with large Kurdish populations such as Turkey, Iran, and Syria have shared this concern.

In early 1994, the uneasy power-sharing arrangement between the KDP and PUK collapsed with the outbreak of armed clashes between the two, initially over questions of land ownership but expanding to mutual accusations of theft of or refusal to share joint revenues. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP briefly sought help from Saddam’s regime in seizing Irbil, the seat of the regional Kurdish government, which the PUK had captured in 1994. The Kurdish provisional parliament became inactive and the Kurdish regional authority effectively split into KDP and PUK entities. However, the United States, supported by Britain and Turkey, spearheaded negotiations that culminated in a meeting in Washington D.C. between Barzani and Talabani in September 1998, at which the two leaders agreed on steps toward a reconciliation. The so-called “Washington Declaration” was endorsed at the first session of a reconvened Kurdish parliament on October 5, 2002.

By mid-2002, the Kurds, along with other Iraqi opposition groups, had begun to calculate that the Bush Administration would overthrow Saddam Hussein militarily, and positioned themselves to capitalize on this prospect. In February 2003, opposition groups met in Kurdish-controlled territory in northern Iraq to form a “transition preparation committee,” although these groups were disappointed by a subsequent U.S. decision to set up an occupation authority to govern Iraq after the fall of the regime, rather than immediately turn over governance to Iraqis.

The Immediate Post-Saddam Period

Contrary to some fears, northern Iraq remained stable during the major combat phase of Operation Iraqi Freedom (OIF) and the Kurds welcomed the fall of Saddam Hussein in April 2003. However, they lobbied the United States for the early return of Iraq’s sovereignty and to grant broad advisory powers to a 25-person “Iraq Governing Council (IGC)” that was appointed in July 2003. On the IGC were Barzani and Talabani, along with three independent Kurdish leaders. A top Barzani aide, Hoshyar Zebari, served as “foreign minister” in the IGC-appointed “cabinet” that served from September 2003 until an interim government assumed sovereignty on June 28, 2004. In that government, Zebari remained Foreign Minister, and a top Talabani aide, Barham Salih, became deputy Prime Minister. The high-level Kurdish participation marked the first time in Iraq’s history that the Kurds had entered national politics on an equal footing with Iraq’s Arab majority.

² Institut Kurde de Paris, no. 91-92. October-November 1992, p. 1.

This government operated under a March 8, 2004 “Transitional Administrative Law” (TAL) — essentially a provisional constitution — that laid out a political transition process and citizens’ rights. Several provisions concerned the rights and privileges of the Kurds. Over the objections of Iraq’s Shiite Muslim leaders, the Kurds succeeded in inserting a provision into the TAL that allowed citizens of any three provinces to vote down, by a two-thirds majority, a permanent constitution that was put to a public referendum by October 15, 2005. The Kurds constitute an overwhelming majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power in that referendum. In addition:³

- The Kurds maintain their autonomous “Kurdistan Regional Government” (KRG), but the TAL disallowed changes to the boundaries of Iraq’s 18 provinces. This provision denied the Kurds immediate control of the city of Kirkuk, the capital of Tamim province, but the TAL allowed for a compensation process to resettle Kurds expelled from Kirkuk by Saddam. The Arabic and Kurdish languages were deemed “the two official languages of Iraq.”
- The KRG was given powers to alter the application, in the Kurdish areas, of those Iraqi laws that do not relate to foreign policy, national security, national budgetary matters, and control of Iraq’s natural resources, including power to “impose taxes and fees within the Kurdistan region.” The KRG retained “regional control over police forces and internal security,” thereby allowing the *peshmerga* to legally continue to operate.

At the same time, the approximately 75,000 total *peshmerga*, as the most pro-U.S. force in Iraq, have played a growing role in the coalition-trained Iraqi security forces. Although *peshmerga* fighters have been primarily deployed in Kurdish areas to ensure that the insurgency in Arab Iraq does not spill over into the north, the major Kurdish leaders have supported the entry of some *peshmerga* into the national Iraqi Security Forces (ISF). The exact number of *peshmerga* in the ISF is not known, although some have served in the 2007 “Baghdad security plan,” and others continue to serve in the northern cities of Mosul, Tal Affar, and Kirkuk, that abut the Kurdish-controlled region. On May 30, 2007, formal security control over the three Kurdish provinces were handed from the U.S.-led coalition in Iraq to the ISF.

Current Major Issues

There are several major issues of concern to the Kurds — almost all are interrelated. The Kurds’ greatly enhanced political strength in post-Saddam Iraq also poses challenges for stability in Iraq and in the region.

Participation in the Central Government. Although striving for maximum autonomy, the Kurds decided to participate in the central post-Saddam government, as noted above, in part to help them prevail on the major issues of Kurdish interest. In late 2004, the KDP and PUK decided to ally into a “Kurdistan Alliance” for the three major elections in 2005. The first was the January 30, 2005, national elections for a 275-seat

³ The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

transitional National Assembly (which chooses an executive); for a Kurdistan regional assembly; and for provincial councils. The national government would be in place until the December 15, 2005, elections for a permanent government, and would, perhaps more importantly, play a major role in drafting the permanent constitution (voted on in an October 15, 2005, referendum). The Kurdistan Alliance won about 26% of the vote, earning 75 National Assembly seats; and it won 82 seats in the 111-seat Kurdish regional assembly. On that strength, the main Kurdish parties, in talks with the Shiite “United Iraqi Alliance” (UIA, 140 seats), engineered Talabani as President of Iraq. As discussed below, Kurdish political strength also won the Kurds a number of favorable provisions in the permanent constitution, which was adopted in the October 15, 2005, referendum despite Sunni opposition).⁴ The Alliance showing in the December 2005 elections was not as strong as previously (53 seats), largely because Sunni Arabs participated. Nonetheless, Talabani remained President; Zebari remained Foreign Minister, and Salih became deputy Prime Minister. Opting to solidify his political base in the Kurdistan region rather than participate in national politics, Barzani, on June 12, 2005, was named “President of Kurdistan” by the Kurdish regional assembly. The “prime minister” of the KRG is Masoud Barzani’s 41 year old nephew, Nechirvan.

Autonomy and Independence. The permanent constitution retained all the Kurdish autonomy provide in the TAL. The three Kurdish provinces of Dohuk, Irbil, and Sulaymaniyah are recognized as a legal region (Article 113) with substantial powers, including input on how to develop oil and gas resources from new fields. The regions also have the power to amend the application of national law on issues not specifically the purview of the national government; to maintain internal security forces; and to establish embassies abroad (Article 117). Arabic and Kurdish are official languages (Article 4).

Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that, for now, they would not push for independence. As evidence of the popularity of independence among the Kurdish population, particularly the younger Kurds, a “referendum” was held at the margins of the January 30, 2005 national vote asking Kurdish voters if they backed Kurdish independence; about 95% of respondents said yes. The survey had been demanded by 1.7 million signers of a petition, circulated in 2004. The Kurdish leadership stance is likely to ease the concerns of Turkey, as well as Syria and Iran, which have substantial Kurdish populations, although Turkey, in particular, appears to distrust the intentions of the Iraqi Kurds.

Kirkuk. Kirkuk is considered an “explosive” issue because of the well-known Kurdish drive to incorporate the city (and surrounding Tamim Province) into the territory administered by the KRG. Turkey fears that affiliation of Kirkuk to the KRG would give the Kurds enough economic strength to support a drive for independence. Kirkuk purportedly sits on 10% of Iraq’s overall proven oil reserves of about 112 billion barrels. In addition, there is a substantial Turkoman minority in Kirkuk who also claim a say about the city, and Turkey is said to be seeking to protect them.

The permanent constitution provides for a referendum to be conducted by December 31, 2007 (Article 140) to determine whether its citizens want to formally join the

⁴ The text of the constitution is at [<http://washingtonpost.com/wp-dyn/content/article/2005/10/12/ar2005101201450.htm>].

Kurdistan region. The Iraq Study Group report, issued December 6, 2006, says that, because of Kurdish attempts to gain control of Kirkuk, the situation there is “dangerous” and that “international arbitration is necessary to avert communal violence.” Recommendation 30 adds that the referendum on Kirkuk should be delayed; the Kurds are insisting that the referendum go forward as planned, although some press reports say the Kurds might be willing to delay it in return for concessions in negotiations on the oil law (see below). As anticipated by analysts, communal violence appears to be increasing as the Kurds try to strengthen their position by settling Kurds in Kirkuk and attempting to expel the city’s Arabs (both Sunni and Shiite) and Turkomans. There have been several major bombings and other violent sectarian incidents there in 2007.

Control Over Oil Resources/Oil Laws. Distrustful of central government control of Iraq’s oil resources, the Kurdish parties have played a major role in negotiating the new oil laws under consideration in parliament (all are to be passed as a package). The Kurds grudgingly accepted the main oil law draft approved by the cabinet in February 2007 even though that law would essentially enable a federal body (“Federal Oil and Gas Council”) to veto new oil exploration in individual regions. The Kurds moved to outright opposition of further progress on oil laws when a related law was drafted establishing the Iraqi National Oil Company. The Kurds say this draft would place 93% of Iraq’s oil fields under state control, thereby “re-centralizing” the oil industry. The KRG has also signed exploration deals with several small European oil companies (Norway’s DNO, Turkey’s Genel; Canada’s Western Zagros; Turkish-American PetPrime; and Turkey/U.S.’s A and T Energy) even before the oil law that will regulate foreign investment in Iraq’s oil industry has been passed.

PKK Safehaven. Turkish concerns have been inflamed recently not by the potential for Kurdish independence but more so by the safe haven in northern Iraq for fighters from the Turkish Kurdish opposition Kurdistan Workers’ Party (PKK). This issue has brought large numbers of Turkish forces to the border with northern Iraq, and in June 2007, erupted into a reported brief Turkish military incursion — or “hot pursuit” — as well as shelling, over the border (although U.S. officials denied that Turkey crossed the border). The military moves followed an indirect threat by Masoud Barzani that Iraq’s Kurds could conduct attacks in Turkey’s Kurdish cities if Turkey were to invade northern Iraq.



Source: Map Resources. Adapted by CRS. (KYancey 2/11/05)